IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 6395 of 2006

DATED: 14.9.2006

Between:

A.Venkat Reddy petitioner

And

APSRTC, Musherabad, Hyderabad
Rep by its Vice Chairman & Managing Director
And another
Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 6395 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not paying the gratuity for the period from 22.12.1979 to 02.07.1991 as illegal and arbitrary.

The petitioner joined the respondent corporation as Conductor in the year 1979. He was removed from service by order dated 02.7.1991. Questioning the removal order he raised an Industrial Dispute in I.D. No. 605 of 1992 before the Labour Court –III, Hyderabad. The Labour Court on consideration of the matter passed an award dated 18.4.1996 confirming the removal order. As against the said award, the petitioner filed W.P. No. 23551 of 1995. This Court by order dated 10.9.1997 disposed of the writ petition modifying the award and directing the respondents to reinstate the petitioner into service afresh without continuity of service and without backwages. Accordingly, the petitioner was reinstated into service afresh and on attaining the age of superannuation retired from service on 30.09.2005.

The grievance of the petitioner is with regard to payment of gratuity. He alleges on enquiries made by him, he was informed that while calculating the gratuity the period of service rendered by him from date of initial appointment till the date of removal for a period of 11 years is not being taken into account and gratuity is being calculated

only from the date of reinstatement into service till the date of retirement.

It is stated that the petitioner has issued a legal notice dated 22.2.2006 to the second respondent to calculate the gratuity including the service rendered by him prior to removal order. Since no action was taken by the second respondent, the present writ petition is filed.

A counter affidavit was filed on behalf of the respondents, sworn by the Law Officer of the Corporation denying the averments made in the writ petition and stating that the petitioner has submitted Form-I and accordingly gratuity is being calculated and after pre-audit the payment will be arranged to the petitioner. It is also stated that the petitioner has not submitted any written application nor raised any claim in the format appended to the Payment of Gratuity Act, 1972.

In view of the specific averments made in the counter affidavit that the gratuity of the petitioner is being calculated and after pre-audit the payment will be arranged, no further orders are required to be passed in the present writ petition. However, the respondents are directed to make necessary arrangements for payment of gratuity amount expeditiously, preferably within a period of four weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 14.9.2006

TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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